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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,084	03/26/2004	Scott David Thomas	GP-303346	9728

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EXAMINER

BROWN, DREW J

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,084

Applicant(s)

THOMAS ET AL.

Examiner

Drew J. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/28/06 (response to election req.).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6-8, 11, and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,9,14 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,10,12,13,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 3/26/04 & 8/2/06.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 6-8, 11, and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/28/06.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of tether elements must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: In line 5 of paragraph 34, "cap portion 64" should be changed to --cap portion 44--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4, 9, 14, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas (U.S. Pat. No. 6,513,835 B2).

Thomas discloses a vehicle body at least partially defining an interior space therein (inherent), an inflator (32) operable to release gas, an inflatable airbag (60) having releasable tether elements (38) connected thereto, wherein the airbag is inflatable upon release of gas from the inflator, a housing (34) substantially surrounding the inflator and the airbag prior to inflation thereof, wherein the housing is formed with a first vent (40) therein for venting gas released by the inflator, a tether release/vent-modifying mechanism (30) operatively connected to the housing, wherein the tether release/vent-modifying mechanism has a plurality of walls (74, 76, 90, 94, 98) and a movable member (36), wherein the movable member has a cap portion (70) and a generally elongated rod portion (68) extending longitudinally from an underside of the cap portion, wherein a first broad portion (82) extends from the cap portion forward of the underside, wherein the plurality of walls and the cap portion cooperate to partially form a pressurizable chamber (100). The tether release/vent-modifying mechanism further includes an actuator (104) operable to selectively emit gas into the pressurizable chamber for moving the movable member from a first position (Figure 2A) to a second position (Figure 2B), wherein the actuator further defines the pressurizable chamber. The tether elements are restrained by the rod portion when the movable member is in the first position (Figure 2A), thereby restricting inflation of the airbag by the inflator to a first profile, wherein the tether elements are released from the rod portion when

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the movable member moves to the second position, thereby permitting inflation of the airbag by the inflator to a second profile (column 5, lines 11-16). The first broad portion covers the vent when the movable member is in one of the first position and the second position, and wherein the first broad portion uncovers the vent when the movable member is in the other of the first position and the second position (column 5, lines 27-32). The first broad portion is releasably retained by the plurality of walls when the movable member is in the first position (Figure 2A) and released from the plurality of walls to permit the movable member to move to the second position after emission of gas by the actuator (Figure 2B). The tether release/vent-modifying mechanism is operatively connected to the housing at a first portion (80) of the housing and the inflator mounts to the housing at a second portion (52) of the housing such that the tether release/vent-modifying mechanism and the inflator are not mounted to one another.

6. Claims 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas (U.S. Pat. No. 6,565,114 B1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Thomas discloses an airbag system including an inflatable airbag (12) having releasably restrainable tether elements (30) attached thereto, a tether release/vent-modifying mechanism (20) for releasably restraining the tether elements, the airbag being inflatable by an inflator (14) to a first profile when the tether elements are restrained and to a second profile when the tether elements are released, and an airbag retainer (16) for retaining the airbag to a module housing (18) upon inflation of the airbag, the method comprising securing the tether release/vent-modifying mechanism to the airbag retainer (via housing 18), connecting the airbag to the airbag retainer (via holes 38), restraining the tether elements at the movable member (column 3, lines 26-27), after the securing step, attaching the airbag retainer to the module housing such that the

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airbag is retained by the housing upon inflation of the airbag, attaching the inflator to the module housing, and mounting the module housing to a vehicle.

Allowable Subject Matter

7. Claims 2, 3, 5, 10, 12, 13, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vendely et al. and Ryan disclose similar airbag systems.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Drew J. Brown
Examiner
Art Unit 3616

db
9/19/06


PAUL N. DICKSON
9/21/06
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